

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-322

May 13, 1998

CASCO BAY CHARTERS, INC.
Application for Authority
to Provide a Water Taxi Service
in Casco Bay

ORDER GRANTING
AUTHORIZATION

WELCH, Chairman; NUGENT and HUNT, Commissioners

In this Order we authorize Casco Bay Charters, Inc. (CBC) to provide a water taxi service in Casco Bay pursuant to the requirements of 35-A M.R.S.A. § 5101-E and MPUC Rules, Chapter 520. CBC will provide on demand, unscheduled, one-way service in Casco Bay at rates which meet the minimum tariff requirements set forth in Chapter 520 § 2(E)(ii) of the MPUC Rules.

In 1991, the Legislature amended the statutes relating to the regulation of ferries providing service in Casco Bay. 35-A M.R.S.A. §§ 5101-5110. The amended statutes require the Commission to adopt rules to regulate the provision of unscheduled tours, charters and water taxi services in Casco Bay. Id. at § 5101-E. The Commission promulgated rules and regulations pursuant to the statutory mandate; those rules are codified in Chapter 520 of the MPUC Rules.

Pursuant to Chapter 520, the Commission is required to authorize water taxi service which meets the following statutory definition:

"Water Taxi Service" means an on-demand, Unscheduled, one-way service in Casco Bay at no less than the minimum tariff as defined in E(ii) of this rule, that stops at one or more of the Regulated Islands and which is provided for six or fewer passengers and their accompanying hand luggage.

MPUC Rules, Ch. 520 §§(2)(L). In addition, the minimum tariff for the water taxi service must be a flat rate which is not less than six times the current Casco Bay Island Transit District (CBITD) round trip, single ticket adult fare for the same origination and termination points. Id. at § (2)(E)(ii). Finally, any business proposing to provide water taxi service must serve CBITD with a complete copy of the application filed with the PUC. Id. at § 3(B)(ii). If no objections to the application are filed within 2 weeks of PUC

filing, a hearing need not be held on the application and authorization should be granted. Id. at § 3(B)(iii).

CBC filed its application for authorization to provide service in Casco Bay with the Commission on April 24, 1998. CBC proposes to provide on demand, unscheduled service to six islands in Casco Bay at rates which exceed six times the current adult fares charged by the CBITD. See Tariff of CBC attached to this Order. In addition, the passenger capacity will be limited to six passengers and CBC has provided a certification that a complete copy of the application has been served on CBITD. Id. Finally, no objections have been filed with the Commission. Id. Thus, CBC appears to have met all of the statutory requirements for providing water taxi service in Casco Bay.

Accordingly, we

O R D E R

that Casco Bay Charters, Inc., is authorized to provide water taxi service in Casco Bay as set forth in the 1998 minimum Tariff attached to this Order.

Dated at Augusta, Maine this 13th day of May, 1998.

BY ORDER OF THE COMMISSION

Dennis Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Hunt

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R. 110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which a reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note:

The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.